

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2941

To provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2010

Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Republic of the Mar-  
5       shall Islands Supplemental Nuclear Compensation Act of  
6       2010”.

1 **SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.**

2 Section 103(f)(1) of the Compact of Free Association  
3 Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is  
4 amended—

5 (1) by striking “Notwithstanding” and insert-  
6 ing the following:

7 “(A) IN GENERAL.—Notwithstanding”;

8 and

9 (2) by adding at the end the following:

10 “(B) CONTINUED MONITORING ON RUNIT  
11 ISLAND.—

12 “(i) IN GENERAL.—Effective begin-  
13 ning January 1, 2010, the Secretary of  
14 Energy shall, as a part of the Marshall Is-  
15 lands program conducted under subpara-  
16 graph (A), periodically (but not less fre-  
17 quently than every 4 years) survey radio-  
18 logical conditions on Runit Island.

19 “(ii) REPORT.—The Secretary shall  
20 submit to the Committee on Energy and  
21 Natural Resources of the Senate, and the  
22 Committee on Natural Resources of the  
23 House of Representatives, a report that de-  
24 scribes the results of each survey con-  
25 ducted under clause (i), including any sig-

1                   nificant changes in conditions on Runit Is-  
2                   land.”.

3 **SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY**  
4                   **EMPLOYEES OCCUPATIONAL ILLNESS COM-**  
5                   **PENSATION PROGRAM ACT OF 2000.**

6           (a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—  
7 Section 3621 of the Energy Employees Occupational Ill-  
8 ness Compensation Program Act of 2000 (42 U.S.C.  
9 7384l) is amended by adding at the end the following:

10                   “(18) The terms ‘covered employee’, ‘atomic  
11                   weapons employee’, and ‘Department of Energy con-  
12                   tractor employee’ (as defined in paragraphs (1), (3),  
13                   and (11), respectively) include a citizen of the Trust  
14                   Territory of the Pacific Islands who is otherwise cov-  
15                   ered by that paragraph.”.

16           (b) DEFINITION OF COVERED DOE CONTRACTOR  
17 EMPLOYEE.—Section 3671(1) of the Energy Employees  
18 Occupational Illness Compensation Program Act of 2000  
19 (42 U.S.C. 7385s(1)) is amended by inserting before the  
20 period at the end the following: “, including a citizen of  
21 the Trust Territory of the Pacific Islands who is otherwise  
22 covered by this paragraph”.

23           (c) COORDINATION OF BENEFITS WITH RESPECT TO  
24 THE COMPACT OF FREE ASSOCIATION.—Subtitle E of the  
25 Energy Employees Occupational Illness Compensation

1 Program Act of 2000 (42 U.S.C. 7385s et seq.) is amend-  
2 ed by inserting after section 3682 (42 U.S.C. 7385s–11)  
3 the following:

4 **“SEC. 3682a. COORDINATION OF BENEFITS WITH RESPECT**  
5 **TO THE COMPACT OF FREE ASSOCIATION.**

6 “(a) DEFINITION OF COMPACT OF FREE ASSOCIA-  
7 TION.—In this section, the term ‘Compact of Free ASSO-  
8 ciation’ means—

9 “(1) the Compact of Free Association between  
10 the Government of the United States of America  
11 and the Governments of the Marshall Islands and  
12 the Federated States of Micronesia (48 U.S.C. 1901  
13 note); and

14 “(2) the Compact of Free Association between  
15 the Government of the United States of America  
16 and the Government of Palau (48 U.S.C. 1931  
17 note).

18 “(b) COORDINATION.—Subject to subsection (c), an  
19 individual who has been awarded compensation under this  
20 subtitle, and who has also received compensation benefits  
21 under the Compact of Free Association by reason of the  
22 same covered illness, shall receive the compensation  
23 awarded under this subtitle reduced by the amount of any  
24 compensation benefits received under the Compact of Free  
25 Association, other than medical benefits and benefits for

1 vocational rehabilitation that the individual received by  
2 reason of the covered illness, after deducting the reason-  
3 able costs (as determined by the Secretary) of obtaining  
4 those benefits under the Compact of Free Association.

5 “(c) WAIVER.—The Secretary may waive the applica-  
6 tion of subsection (b) if the Secretary determines that the  
7 administrative costs and burdens of applying subsection  
8 (b) to a particular case or class of cases justifies the waiv-  
9 er.”.

10 **SEC. 4. FOUR ATOLL HEALTH CARE PROGRAM.**

11 Section 103(h) of the Compact of Free Association  
12 Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amend-  
13 ed by adding at the end the following:

14 “(4) SUPPLEMENTAL HEALTH CARE FUND-  
15 ING.—

16 “(A) IN GENERAL.—In addition to  
17 amounts provided under section 211 of the  
18 U.S.–RMI Compact (48 U.S.C. 1921 note), the  
19 Secretary of the Interior shall annually use the  
20 amounts made available under subparagraph  
21 (B) to supplement health care in the commu-  
22 nities affected by the nuclear testing program  
23 of the United States, including capital and  
24 operational support of outer island primary  
25 healthcare facilities of the Ministry of Health of

1 the Republic of the Marshall Islands in the  
2 communities of—

3 “(i) Enewetak Atoll;

4 “(ii) Kili (until the resettlement of Bi-  
5 kini);

6 “(iii) Majetto Island in Kwajalein  
7 Atoll (until the resettlement of Rongelap  
8 Atoll); and

9 “(iv) Utrik Atoll.

10 “(B) FUNDING.—As authorized by section  
11 105(c), there is appropriated to the Secretary  
12 of the Interior, out of funds in the Treasury not  
13 otherwise appropriated, to carry out this para-  
14 graph \$2,000,000 for each of fiscal years 2012  
15 through 2028, as adjusted for inflation in ac-  
16 cordance with section 218 of the U.S.–FSM  
17 Compact and the U.S.–RMI Compact, to re-  
18 main available until expended.”.

19 **SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE**  
20 **MARSHALL ISLANDS.**

21 (a) IN GENERAL.—The Secretary of the Interior shall  
22 enter into an agreement with the National Academy of  
23 Sciences under which the National Academy of Sciences  
24 shall conduct an assessment of the health impacts of the  
25 United States nuclear testing program conducted in the

1 Republic of the Marshall Islands on the residents of the  
2 Republic of the Marshall Islands.

3 (b) REPORT.—On completion of the assessment  
4 under subsection (a), the National Academy of Sciences  
5 shall submit to Congress, the Secretary, the Committee  
6 on Energy and Natural Resources of the Senate, and the  
7 Committee on Natural Resources of the House of Rep-  
8 resentatives, a report on the results of the assessment.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated such sums as are nec-  
11 essary to carry out this section.

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